



Docket 1C-A

**[TERMINAL DISCLAIMER TO OBVIATE
DOUBLE PATENT REJECTION OVER A PRIOR PATENT]**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Donn Reynolds Armstrong et al.
Title : METHOD OF MAKING METALS AND OTHER ELEMENTS FROM
THE HALIDE VAPOR OF THE METAL
Serial No. : 09/264,577
Filing Date : March 8, 1999
Group Art Unit : 1742
Examiner : George P. Wyszomierski
Date : February 21, 2002

MATCH & RETURN

Asst. Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

Petitioner, International Titanium Powder LLC, is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,958,106. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent

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jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned (whose title is supplied below) is empowered to act on behalf of petitioner.

Documentary evidence of a chain of title from the above-captioned applicant, the inventors and original owners, to petitioner is recorded in the Office at Reel 9815, Frames 0070. This documentary evidence has been reviewed, and petitioner hereby certifies that, to the best of petitioner's knowledge and belief, title is to petitioner.

The undersigned hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

11/10/02

Signature

HARRY M. LEVY, PARTNER

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The Terminal disclaimer fee under 37 CFR 1.290(d) is included.

The PTO suggested wording for this terminal disclaimer was unchanged.